

Clarence Town Environmental Quality Review Committee
(TEQR)
Meeting Minutes
Monday, January 22, 2007

Matthew Balling, Chairman, called the meeting to order at 7:00 p.m. and led the pledge to the flag.

TEQR Members Present:

Matthew Balling	Patrick Miner
Richard McNamara	John Moulin
Paul Shear	Albert Schultz
Lisa Bertino-Beaser	

Other Town Officials Present:

James Callahan, Director of Community Development
Councilman Scott Bylewski
Jeffrey Grenzebach

Other Interested Parties Present:

Laura Pfennig	Bill Pfennig
Leanne Voit	Pete Gorton
Raj Patel	Jim Geiger
Don Swanson	Steve Bakowski
Joyce Bakowski	

Item 1-Approval of minutes from previous meetings.

Motion by John Moulin, seconded by Lisa Bertino-Beaser, to **approve** the minutes for the meeting held on November 13, 2006, as written.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Motion by Lisa Bertino-Beaser, seconded by Paul Shear, to **approve** the minutes for the meeting held on December 18, 2006 with the following changes:

-Page 2, second sentence of the last paragraph has been amended to read: Mr. Case does not know anything about a reported underground gasoline tank.

-Page 3, first sentence is amended to read: TEQR Committee needs to see a diagram of the location of the gas tank to ensure that proposed construction will not result in a problem with the tank, or some verification that the tank does not exist.

-Page 4, third paragraph is amended to read: Paul Shear explains that if the DOT insists that only one (1) driveway is available to the applicant, a revised site plan will need to be submitted. The revised plan must address the ability of a sufficient number of vehicles to queue without interfering with Main Street traffic, as well as safe pedestrian traffic pattern on the site.

-Page 8, third paragraph is amended to read: In response to a question from Mr. Schultz, Mr. Gullo states that the previous owner's tenants cut down the trees and used the trees for firewood.

-Page 8, fourth paragraph, the spelling of Mr. Schultz' name is corrected and the following sentence is added: Mr. Schultz requests that the applicant submit (at least) preliminary plans to manage storm water runoff. This is a particularly sensitive area because it drains into Ransom Creek, and chemical pesticides will be used on the site.

-Page 8, sixth paragraph is amended to read: In answer to a question by Mr. Schultz regarding the possibility of truck traffic crossing Transit Road between the two facilities owned by Mr. Gullo, Mr. Gullo explains that this proposal is an entirely different entity than his other business on Transit Road and there will be no commercial traffic between the two sites.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 2-Communications.

Communications will be discussed under the appropriate project(s).

Councilman Bylewski advises the TEQR Committee that the New York Planning Federation is hosting a seminar that will be conducted on Tuesday, February 6, 2007 at the Clarence High School dealing with Land Use and Community Character. This seminar qualifies for the requirement of the Land Use Training. The RSVP is to Wendy Salvati.

Matt Balling asks what the requirement is in terms of hours for the Land Use Training. Councilman Bylewski explains that the State requirement is four (4) hours, currently the Town, Planning, and Attorney's Offices are working on either a resolution or a local law to address the requirement.

Item 3a-Stage and Schurr Subdivision.

DISCUSSION:

Jim Callahan explains that this item has been tabled pending receipt of a Phase II Archeological report; to date the report has not been received.

Motion by Matt Balling, seconded by Richard McNamara, to **table** the Stage and Schurr Subdivision awaiting the Phase II Archeological report.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3b-Utilization of Sewer Capacity outside of Erie County Sewer District #5 for areas not included in a sewer district and proposed Harris Hill Commons Open Space Design Subdivision.

DISCUSSION:

Leanne Voit, of Greenman Pedersen, and Peter Sorgi, of Hopkins, Garas and Sorgi are present. Ms. Voit explains that the applicant met with representatives from the DEC on January 11, 2007. Representatives from Greenman Pedersen, Erie County, Amherst and Clarence were in attendance at the meeting. Lead Agency Status was discussed at the meeting and, since that time, the applicant has provided Steven Doleski (DEC representative) with the information he needs. A letter has been submitted from Hopkins, Garas & Sorgi to Mr. Doleski with the information requested. The letter is dated January 22, 2007 and a copy is in the file. Mr. Sorgi said once Mr. Doleski receives the letter the DEC will be in a position to concur with the Lead Agency Status. Ms. Voit said at the DEC meeting Mr. Doleski expressed comfort with the Town of Clarence being Lead Agency once he received the requested items from the applicant.

ACTION:

Motion by Al Schultz, seconded by John Moulin, to **table** Harris Hill Commons pending the results of the DEC's decision regarding Lead Agency Status.

ON THE QUESTION:

Matt Balling informs the applicant that the TEQR Committee is very "in tune" to the sewer district issue; there are detailed maps in the Engineering Department and they have been over many of the specifics with Mr. Doleski. Mr. Balling said the Committee is ready to start discussions when the time comes.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Pete Gorton, of 4610 Hedgewood Drive, asks what the meeting with the DEC was about. He thinks the existing residents in the area need to be hooked up to sewers before the new residents are hooked up.

Mr. Balling advises Mr. Gorton that there were no TEQR Committee members present at the DEC meeting; however, Mr. Balling was advised that the sewer issue was discussed at the meeting. He explains that the sewer issue is the capacity constraint due to sanitary system overflows in the Town of Amherst; this is restricting capacity in Sewer District #5. Mr. Gorton asks if there is any type of movement afoot to make sure existing residents obtain sewer capacity before new houses are built. Mr. Balling said he not aware of any such movement and explains that this conversation would need to be started at the Town Board level. Councilman Bylewski said there have been very preliminary discussions between the Town and Erie County Sewer District #5 regarding bringing sewers to the Harris Hill area.

Mr. Gorton said he would like to attend the meetings with the DEC. Mr. Balling refers him to the Planning and Zoning Department for information on attending the DEC meeting.

Item 3c-Kausner Open Development Area, 4180 Ransom Road.

DISCUSSION:

Jim Callahan explains the item was tabled pending receipt of additional information related to a reported underground gasoline tank, as well as an archeological report. To date, no information has been received. Mr. Schultz said the third issue is the storm water runoff on to the adjacent properties.

ACTION:

Motion by Matthew Balling, seconded by Albert Schultz, to **table** the Kausner Open Development Area pending the receipt of information regarding archeological sensitivity, storm water management and a reported underground gasoline tank.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3d-Dunkin' Donuts, 9430 Main Street.

DISCUSSION:

Jim Callahan explains that this item was tabled pending further information related to NYS DOT comments and traffic. A letter has been received from the DOT identifying their concurrence with a submitted revised site plan. The curb cuts have been reduced per the DOT request. This information has been forwarded to the TEQR Committee members.

Rod Prosser, of Lakeside Engineering, is the project engineer and is representing the applicant. Mr. Prosser explains that, at the request of the NYSDOT, the driveway for the proposed project has been relocated to the west side of the property. The applicant has also revised the plan to show a single curb cut which would be an "in and out" at a location that is as far as possible from Goodrich Road. Mr. Prosser indicates that he has had a discussion with an engineer from Watts Engineering

concerning the office park that is directly across the street from the proposed project on Main Street. Mr. Prosser explains that the Watts engineer agreed that the Dunkin' Donuts driveway location would be where the office park would want to put their access drive; the two driveways would then align.

Mr. Prosser explains there is an existing second curb cut that will have to be closed; this will be done prior to construction.

Mr. Prosser said the traffic that will be generated from the proposed project will only increase by two percent (2%), at most. It is his understanding that the NYSDOT does not have an issue with the traffic that will be generated. He has a letter from the NYSDOT with regards to this.

Mr. Prosser indicates that a complete set of plans have been submitted to the Town, including the drainage design, the erosion management design, the lighting plan and the landscape plan.

Mr. Balling lists three (3) concerns with the project. They are all small to moderate impacts. The first concern has to do with the one driveway that is proposed to be directly across the street from the office park. If the driveways align appropriately, it effectively creates a two-way stop controlled intersection. The results of the current traffic study being done on the office park may yield a right turn lane if the study shows a slow down of traffic and a backup onto Goodrich Road.

The second concern has to do with the pedestrian sidewalk that extends from Main Street towards the building. In the original site plan the sidewalk was not crossing over any travel lanes or aisles, this was a favorable condition. The new plan is putting an island in that the pedestrians will have to cross, this can be addressed by using special pavement markings.

The third issue is the cross access plan. Mr. Balling explains that if a vehicle is coming from Dunkin' Donuts to Wilson Farms it would be driving directly towards the gas tanks. This is not a favorable alignment. It can be addressed by shifting the building 24 feet farther back and aligning the cross access driveway with the parking lot that is currently in front of Wilson Farms. A sketch showing Mr. Balling's suggestions is in the file.

Mr. Schultz asks if the applicant approached the DOT to see if they would approve a second curb cut for pedestrian safety. Mr. Prosser said the DOT told him, emphatically, they do not want two (2) curb cuts.

Mr. Balling reviews the EAF Part II as follows:

1. Physical Change-There will be a small to moderate impact from the addition of a building, driveway and parking lot.
5. Effect on Surface or Groundwater-Project requires a SPDES permit and a storm water management system; since the project is not in a sensitive area, and is consistent with designated land use, impact should be mitigated by DEC requirements.
12. Impact on Historic Resources-While the site is technically in an area with archaeological sensitivity, there is no stream or wetland involved and the land has been graded and partly paved over the years. Archaeological impact is unlikely.
15. Impact on Transportation Systems-There is a potentially large impact since the area of Main Street already has a poor LOS. Impact must be assessed. There must be sufficient room to queue about 15 vehicles on the site to prevent back-up onto Main Street. This space is available per the original site plan. If DOT does not allow the

curb cuts per the current plan, a new site plan must be assessed with regard to traffic and pedestrian safety. (Ties in with item 18). Also, see previous concerns listed.

18. Public Health and Safety-There is concern about pedestrian traffic, particularly as the site is close to the High School. This concern is mitigated by site design, where pedestrian access does not cross traffic flow-there should be Pedestrian Right-of-Way added on Main Street sidewalks. This mitigation must be reviewed again if the DOT will not allow planned curb cut(s). (See item 15).

ACTION:

Motion by Matthew Balling, seconded by Albert Schultz, to **accept** the EAF Part II on Dunkin' Donuts, 9430 Main Street as discussed.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

ACTION:

Motion by Albert Schultz, seconded by Richard McNamara, to **recommend** the Town Board issue a Negative Declaration with regards to Dunkin' Donuts, 9430 Main Street, taking into consideration the contents listed in the EAF Part II.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3e-9435 Main Street Office Park.

DISCUSSION:

Jim Callahan explains the project was tabled pending additional information on traffic and storm water. A letter from the NYS DEC has been received mainly related to the storm water issue. To date, there is no comment from the NYSDOT. Mr. Callahan has discussed the project with a representative from DOT and they are awaiting additional traffic information from the applicant before they send a comment out.

Jeff Palumbo, of Renaldo & Palumbo, is representing the applicant. He explains that the traffic study is in the process of being completed and will be submitted soon.

Mr. Balling explains the property abuts wetlands; there is particular sensitivity to storm water runoff. The TEQR Committee would like to see an engineering study that shows how storm water will be managed.

ACTION:

Motion by John Moulin, seconded by Paul Shear, to **table** 9435 Main Street Office Park pending the outcome of the traffic impact assessment and the reiteration of the storm water management that is going to take place at the property.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3f-Bakowski Self-Storage, Lakeside Industrial Business Park.

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the south side of County Road, west of Goodrich Road in the Lakeside Industrial Business Park. The property consists of approximately 7 acres and is zoned Industrial Business Park. The project was referred from the Planning Board on November 8, 2006. The Town solicited for Lead Agency Status at the last meeting of the TEQR Committee. Comments have been received from the NYSDEC.

Don Swanson, from APEX Consulting, is representing the applicant. Mr. Swanson explains that there were three concerns regarding this project. The first concern was Stage 1 Cultural Resource Investigation. The second concern was the wetland determination. The third concern was a general comment with regards to the private sewage disposal system. Mr. Swanson said all concerns have been addressed. Mr. Balling asks for specifics on how these issues have been addressed. Mr. Swanson explains that letters have been submitted to the Planning and Zoning Office from Wilson Environmental regarding the Cultural Resource Investigation and the Wetland Delineation; these studies were performed on the entire Lakeside Industrial Park property. The results of the investigation indicate that no further study is necessary. There is also a letter from Erie County with regards to the Approval of Private Sewage Disposal System. The letters are on in the file.

Mr. Balling said that the TEQR Committee did not uncover any potentially large impacts with regards to this project. He reviews the preliminary draft for the EAF Part II as follows:

1. Physical Change-The project will add buildings in what is essentially an open field; it is consistent with designated land use and will have a minor impact.
5. Effect on Surface or Groundwater-Project requires a SPDES permit and a storm water management system; since the project is not in a sensitive area, and is consistent with designated land use, impact should be mitigated by DEC requirements.
12. Impact on Historic Resources-While the land might technically be in an area with archeological sensitivity, there is no stream or wetland involved. The land has been farmed for years and archaeological impact is unlikely. Based on the previous environmental review of the Industrial Park there were no such impacts identified.

ACTION:

Motion by Paul Shear, seconded by John Moulin, to **accept** the EAF Part II for the Bakowski Self-Storage, Lakeside Industrial Business Park.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

ACTION:

Motion by Paul Shear, seconded by Albert Schultz, to **recommend** the Town Board issue a Negative Declaration with regards to the Bakowski Self-Storage, Lakeside Industrial Business Park.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 3g-Russell Gullo Retail Landscape Shop, 9800 Transit Road.

DISCUSSION:

Jim Callahan explains that this project was sent out for coordinated review after the last TEQR meeting; no comments from any involved agencies have been received. Mr. Callahan has discussed the project with the consulting engineer and was advised an archeological study has been ordered but has not been completed as of this date.

Mr. Balling asks Mr. Callahan if the consulting engineer is aware of the TEQR Committee's concern regarding the storm water management plan. Mr. Callahan said the engineer is aware of the TEQR Committee's concern and goes on to explain that the engineer is concerned with doing the entire plan upfront in terms of cost to the applicant, they are working on paperwork for consideration by the TEQR Committee.

ACTION:

Motion by Matthew Balling, seconded by Albert Schultz, to **table** Russell Gullo Retail Landscape Shop, 9800 Transit Road pending the receipt of the additional information the TEQR Committee has requested with regards to storm water management and archeological issues. This will also allow more time for the DOT to review the proposal.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Mr. Shear asks if the two homes on the property should be considered, and if so, at what point in the process are they to be considered. Both homes are over 50 years old. Mr. Shear said some people have indicated that there may be some historical significance to, at least, one of those two homes. Mr. Callahan explains that because the structures are over 50 years old and demolition is a part of this project, it automatically becomes a Type I Action under SEQR. Through the coordinated review it will be identified as one of the issues that must be addressed. Mr. Schultz recalls that at the last TEQR Committee meeting it was indicated that the demolition permits and demolition process both need to be part of the SEQR process.

Item 3h-Walgreens, 9217 Main Street.

DISCUSSION:

Jim Callahan provides the history of the project. It is located on the south side of Main Street, at the Sheridan Drive, Thompson Road intersection and is zoned Commercial. It consists of approximately 13.3 acres. The project was referred out for coordinated review at the last TEQR Committee meeting.

Jeff Palumbo, of Renaldo & Palumbo, is representing the applicant. Jim Rumsey, of Benderson Development, is present as well. Mr. Palumbo said a traffic study, a site plan, a total EAF and anything else that was requested has been submitted.

Mr. Balling asks if the traffic study was submitted to the NYSDOT. Mr. Palumbo said, "Yes."

Mr. Balling said he did not see any major impact because the existing capacity seemed adequate; there is more than a quarter mile separation between the signals going in both directions.

Mr. Palumbo said following the Planning Board meeting is when the plan was modified to show the western most driveway right-in and right-out only. He said DOT was fine with the plan that was originally submitted.

Mr. Balling asks the applicant if what the Committee is looking at is an accurate representation of the profile that will be used at the site, Mr. Rumsey said yes and goes on to explain that the buildings will be built at the same time.

Mr. Balling voices his concern with the circulation in and around the buildings. He adds a comment to the EAF Part II: an improvement on the existing pavement markings that are being proposed on the site and an improvement of the access to the rear office building, this would be a small to moderate impact. He then refers to the potential SEQR issues:

1. Physical Change-The project would replace two buildings in a commercially zoned area. Impact is expected to be small to moderate.

3. Effect on Protected Waterways-The back area of the project property is a Federal/State Wetland. Potential impact is large, and mitigating factors are discussed in item 5, below.
5. Effect on Surface or Groundwater-There is a potential large impact during and after construction in a particularly sensitive area. This impact is to be mitigated by a storm water management system and SPDES permit which are required by the DEC under stormwater management regulations. Characteristics of this management system are discussed in an Engineer's Report from Carmina, Wood and Norris, received by the Town on December 8, 2006.
6. Effect on Drainage-Drainage and runoff are both potential environmental issues, addressed in item 5, above.
12. Impact on Historic Resources-The project is located in an archeological sensitive area. The area was tested by Pan-American consultants and was found to contain no historic or pre-historic materials. Thus there would be no impact.
15. Impact on transportation systems-The proposal will cause some additional traffic on this portion of Main Street but the traffic analysis concludes that any adverse impact would be mitigated by the minor conditions regarding the driveway. This would be a small to moderate impact and has been mitigated by a project change.
18. The draft said no effect, but pedestrian circulation is a concern due to a lack of dedicated pedestrian pathways to the rear office building, this is identified as a potentially large impact and can be mitigated by a project change.
20. Public Controversy-Mr. Balling prefers not to include this comment in the record because there have not been a members of the public in attendance at any of the meetings, he would like this item to be checked as "no" on the EAF. Mr. Schultz said this item should explain why there is no impact.

Lisa Bertino-Beaser clarifies, for the record, that all items have been looked at by the committee and any item not specifically addressed has been found to have no impact.

ACTION:

Motion by Matthew Balling, seconded by Lisa Bertino-Beaser, to **accept** the EAF Part II, as written. All items not specifically mentioned do not have potentially adverse environmental impacts.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

ACTION:

Motion by Matthew Balling, seconded by Richard McNamara, to **recommend** the Town Board issue a Negative Declaration on the proposed project for Walgreens/9217 Main Street, subject to a discussion regarding the small to moderate impacts that can be addressed by project changes.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 4-New Business.

Jim Callahan has distributed copies of the proposed demolition at 5445 Salt Road. This will be an agenda item for the next TEQR Committee meeting.

Mr. Balling explains that there has been extensive communications between Mr. Schultz and the Engineering Department with regards to the Phase II Stormwater Regulations. The first part of Phase II that was implemented was the SPDES permit requirement; any construction project over an acre must obtain a general construction permit. If a project is disturbing more than an acre, the DEC requires to be shown that stormwater is being managed and erosion is controlled during construction at the site. Mr. Balling goes on to explain that Towns are required to prepare plans that address discharge of stormwater, thus he invites Town Engineer Joe Latona and Town Attorney Steve Bengart to attend the TEQR meeting of March 19, 2007 to discuss their endeavors in implementing Phase II Stormwater Regulations.

ACTION:

Motion by Matthew Balling, seconded by Paul Shear, to start the TEQR Committee's March 19, 2007 Work Session at 6:00 p.m. to allow time for discussions with Mr. Bengart and Mr. Latona regarding Stormwater Regulations. The Planning and Zoning Department will prepare a memo on behalf of the TEQR Committee to officially invite Mr. Bengart and Mr. Latona to the meeting.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Item 5-The next meeting date is February 26, 2007.

Mr. Moulin and Mr. Schultz will not be in attendance at the February 26, 2007 meeting.

Item 6a-Approval of the 2007 TEQR Meeting Dates.

ACTION:

Motion by Albert Schultz, seconded by Lisa Bertino-Beaser, to **accept** the scheduled TEQR meeting dates for 2007.

Matthew Balling	Aye	Patrick Miner	Aye
Richard McNamara	Aye	John Moulin	Aye
Paul Shear	Aye	Albert Schultz	Aye
Lisa Bertino-Beaser	Aye		

MOTION CARRIED.

Mr. Balling notifies the Committee that the Association of Towns meeting is scheduled for February 2007; Mr. Shear will be attending the meeting.

Meeting adjourned at 8:08 p.m.

Matthew Balling, Chairman